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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,042 ✓	12/20/2000	Henry Moncrieff O'Connor	MONTY-1 ✓	4800

23599 7590 12/11/2003

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EXAMINER

WALLACE, SCOTT A

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CASE _____
ACTION Final RESECTION DUE
DUE DATE 3/11/04
STATUS RE APPEAL

CASE _____
ACTION _____
DUE DATE _____

Dkt-D
12/16/03

Office Action Summary

Application No.

09/740,042

Applicant(s)

O'CONNOR, HENRY MONCRIEF

Examiner

Scott Wallace

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 2-3 and 6-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response to Arguments

1. Applicant's arguments filed 06/16/03 have been fully considered but they are not persuasive. The applicant argues that Schneider does not disclose "assigning separate visual distinctions to at least several of the multiple signals to produce multiple, visually distinct signals". It has already been stated in the last office action that Schneider does not disclose this, but this is disclosed in Mark Jr. in column 4 lines 50-55. Having each waveform a different color gives it a separate visual distinction (different colors).
2. Applicant states that the "claimed invention in its broader aspects is not limited to colors". Since the claim is broad by saying "visual distinction", the colors of Mark Jr. reads on the claim since colors are visual distinctions.
3. The applicant as argues that Mark does not disclose superimposing the signals. As stated in the last office action, Examiner already agreed that Mark did not disclose this. This was disclosed in Bush in column 4 lines 64-68 and column 5 lines 1-5 with one of the reasons for superimposing was display efficiency as seen in column 4 lines 64-68.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider, U.S. Patent No. 4,058,826 in view of Bush, U.S. Patent No. 4,97,514 in further in view of Mark Jr., U.S. Patent No. 4,631,533.
6. As per claim 1, Schneider discloses a method of displaying signals obtained from monitoring a phenomenon (column 1 lines 35-45), comprising: while the phenomenon is being monitored producing

multiple real signals in electronic form (column 1 lines 23-45), the multiple real signals each having a standard characteristic and real parameters of different real values (column 1 lines 23-45). However, Schneider does not specifically disclose assigning a separate visual distinction to at least several of the multiple signals to produce multiple visually distinct signals. This is disclosed in Mark Jr. in column 4 lines 50-55. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the visually distinct signals of Mark Jr. with the system of Schneider because this would make identifying the signals easier (column 4 lines 50-55). Schneider also does not specifically disclose displaying the multiple distinct signals while superimposed with respect to one another. This is disclosed in Bush in column 4 lines 64-68 and column 5 lines 1-5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to superimpose the waveforms as in Bush with the systems of Schneider and Mark Jr. because this enhanced the visual comparability of transitions between the waveforms.

7. As per claim 4, Schneider discloses wherein the real signals are analog signals (column 1 lines 5-11). Converting the real analog signals to digital signals prior to assigning a separate visual distinction to each signal is disclosed in claim 3 as seen above.

8. As per claim 5, Bush discloses wherein the signals have different DC components, the method further comprising centering the signal by bringing the signal to a standard baseline (column 4 lines 64-68 and column 5 lines 1-5).

Allowable Subject Matter

9. Claims 2-3 and 6-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Wallace** whose telephone number is **703-605-5163**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at 703-305-9798.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600